Remarks

Favorable reconsideration of this application is requested in view of the following remarks. For the reasons set forth below, Applicant respectfully submits that the claimed invention is allowable over the cited references.

The final Office Action dated August 24, 2005, also indicated that claims 1, 2, 5, 7, 8 and 12 are rejected under 35 U.S.C. § 103(a) over Lawrence (U.S. Patent No. 5,583,414) in view of Landon; claim 3 is rejected under 35 U.S.C. § 103(a) over Lawrence in view of Landon as applied to claims 2 above, and further in view of Matsuda *et al.*; claim 4 is rejected under 35 U.S.C. § 103(a) over Lawrence in view of Landon as applied to claim 2 above, and further in view of Kan *et al.*; claim 6 is rejected under 35 U.S.C. § 103(a) over Lawrence in view of Landon as applied to claim 2 above, and further in view of Kan *et al.* and Rogers; claims 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lawrence in view of Landon in further view of Nagai et al.; and claim 13 is rejected under 35 U.S.C. § 103(a) over Lawrence in view of Landon in further view of Feldstein (U.S. Patent No. 5,646,504. The Office Action also indicated that the claims stand rejected for obviousness-type double patenting; these rejections are discussed more fully below.

With respect to the § 103 rejections and as discussed previously in connection with Applicant's previous written communications (and mentioned in the conversation of December 15, 2005), Applicant maintains that each such rejection is improper for lack of motivation. For example, Applicant maintains that there is no mention (implicit or explicit) in any of the cited prior art to implement the asserted combination of teachings, and the skilled artisan would certainly not be led to implement the asserted combination of teachings from the Lawrence and Landon references. In Figure 6 of the Lawrence reference, two batteries are shown being used and (re)charged in parallel. There is no faster way to charge these batteries except as shown. The Landon reference is cited for its teaching of charging one battery at a time. By incorporating this teaching from the Landon reference into the embodiment of Figure 6 of the Lawrence reference (which has two batteries being charged in parallel), only disadvantages would be realized as Lawrence's two batteries would not be charged as fast as they would have been had they

been charged as taught by the Lawrence reference (not to mention the necessary rewiring before and after). Accordingly, there is no evidence of motivation for the asserted combination, and the asserted modification (*i.e.*, Lawrence as modified by Landon) teaches away from the combination.

In support of Applicant's arguments, Applicant relies upon support from the MPEP, examples of which are provided as follows. MPEP § 2143.01 explains that, "The test for an implicit showing is what the combined teachings, knowledge of one of ordinary skill in the art, and the nature of the problem to be solved as a whole would have suggested to those of ordinary skill in the art." For the instant combination of teachings, neither the problem nor the solution has been recognized.

The same section of the MPEP refers to an often-cited decision, *In re Gordon*, 733 F.2d 900, 221 U.S.P.Q. 1125 (Fed. Cir. 1984), in support of the principle that a §103 rejection cannot be maintained when the asserted modification undermines purpose of main reference (*i.e.*, the reference being modified). For the instant combination of teachings, the main reference is the Lawrence reference which (according to the title, abstract and every other aspect) is directed to "charging batteries of boats while being towed" and the cited embodiment of Figure 6 clearly teaches that the two illustrated batteries (16 and 72) are connected in parallel for powering the boat when in use in the water (column 3, lines 20-23, and column 4, lines 60-63) and "for recharging both of them simultaneously" (column 4, lines 63-65). By charging these two batteries separately and one battery at a time per the citation to the Landon reference, these batteries would have to be manually disconnected, then arranged "for recharging both of them ~~simultaneously~~ [one battery at a time]" (column 4, lines 63-65), and then reconnected. Such an approach would undermine the purposes of the Lawrence reference by requiring that the batteries be charged more slowly. Further, this manner of charging would require burdensome steps of accessing the batteries and rewiring before and after the recharging, which is opposite each of the objective states in the Summary of the Lawrence reference (particularly those at the bottom of column 2, lines 50 *et seq.*). According to MPEP § 2143.01, such a rejection is improper.

In an effort to facilitate prosecution, the above amendment to the claims has been implemented to more explicitly indicate that which should already be understood from the claim language. Applicant's claimed invention is expressly for charging batteries in a trailered equipment (*e.g.*, as a boat) and, as such, the charging time would be directed to an anticipated period during which the trailered equipment would be towed; otherwise, there would be no point in charging in the claimed trailered-equipment mode. Similarly, Applicant considered the possible amendment of indicating that the trailered-equipment batteries are not connected electrically in parallel; however, not only would the wording of such language be awkward, but such an amendment would also be redundant as the claimed invention is expressly directed to charging "one battery at a time." Because the batteries are charged "one battery at a time," they could not be connected electrically in parallel. Applicant submits that the claimed invention is therefore patentable and that the pending rejections should be removed.

The Office Action identified four rejections under the judicially created doctrine of obviousness-type double patenting: claims 1, 2, and 5 are rejected over claim 1 of U.S. Patent No. 6,636,014 in view of Landon (U.S. Patent No. 6,198,251); claim 3 is rejected over claim 1 of U.S. Patent No. 6,636,014 in view of Landon in further view of Matsuda *et al.* (U.S. Patent No. 5,563,493); claim 4 is rejected over claim 1 of U.S. Patent No. 6,636,014 in view of Landon in further view of Kan *et al.* (U.S. Patent No. 5,168,205); and claim 6 is rejected over claim 1 of U.S. Patent No. 6,636,014 in view of Landon in further view of Kan *et al.* and Rogers (U.S. Patent No. 5,528,148). Applicant respectfully traverses.

To maintain an obviousness-type double patenting rejection, the Office Action must comply with largely the same standards as for a §103 rejection. In this instance, there is no prior art that has been combined with Applicant's underlying patent to satisfy either a §103 rejection or an obviousness-type double patenting rejection. However, if the law were to dictate that the instant application and Applicant's underlying patent would terminate at the same time, Applicant would be willing to reconsider this seemingly straight-forward and well-supported position.

Applicant believes that the remaining rejections have been overcome and the application is in condition for allowance. A favorable response is requested. Should there be any remaining issues that could be readily addressed over the telephone the Examiner is encouraged to contact the undersigned at (651) 686-6633, extension 101.

Respectfully submitted,

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By: _____
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